IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 1378 of 1997

Between:

Panga Narsaiah S/o. Guruvaiah
R/o. Miryalaguda, Nalgonda district.

..... PETITIONER

AND

1 The Government of Andhra Pradesh rep. by the Chief Secretary,
Secretariat, Hyderabad.
2 The District Collector,
Nalgonda.
3 The Superintending Engineer, Nagarjuna Canals, Circles (NSC)
Miryalaguda, Nalgonda district.
4 The Chief Engineer, Nagarjuna Sagar Left Canals (NSL Canals) Hill Colony,
Nagarjuna Sagar, Nalgonda district.
5 The Revenue Divisional Officer,
Miryalguda, Nalgonda district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in not re-conveying the Agricultural dry land to the petitioner in Sy.No. 883 to an extent of Ac.1.16 gts situated at Miryalaguda, Nalgonda district in highly arbitrary bad and illegal and consequently direct the respondents to re-convey the agricultural dry land in Sy.No. 883 to an extent 1.16 gts situated at Miryalguda, Nalgonda district to the petitioner.

Counsel for the Petitioner:MR.P.PRABHAKAR REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following ORDER:

Land of the petitioner to an extent of Ac.1.16 guntas in survey No.883 situated at Miryalaguda was acquired by the Government in 1957 for the purpose of construction of N.S. canal camp at Miryalaguda. Subsequently, an award was passed and possession of the land was also taken. But, the land was not used for the said purpose and so the government decided to re-convey the same to the ryots from whom it was acquired. Though the petitioner made representation to the respondents and other authorities concerned, they did not take any action so far. Therefore, the petitioner filed W.P.No.7877 of 1996 seeking a direction to the respondents to re-convey the land to him. The said writ petition was disposed of on 15.04.1996 directing that the petitioner should make a representation to the respondents, who on receipt of the same, shall pass appropriate orders within two months from the date of receipt of the representation. In pursuance of the same, the petitioner approached the respondent with a representation, but the second respondent rejected the same through order dated 07.08.1996. Hence, the writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Land Acquisition.

It is well settled that once the land is acquired by the Government and compensation is paid, the right of the landlord over the land in question ceases, and he cannot request for re-conveyance of the same, on any ground. Further, if the said land does not require for the public purpose, it is for the Government to dispose of the same by way of public auction and the amount so received can be utilized for the best use of public. In view of the same, the petitioner cannot claim for re-conveyance of the land.

For the foregoing reasons, the writ petition is dismissed. No order as to costs.

19.11.2004

ksld

To

1 The Chief Secretary, Government of Andhra Pradesh,
Secretariat, Hyderabad.
2 The District Collector,
Nalgonda.
3 The Superintending Engineer, Nagarjuna Canals, Circles (NSC)
Miryalaguda, Nalgonda district.
4 The Chief Engineer, Nagarjuna Sagar Left Canals (NSL Canals) Hill Colony,
Nagarjuna Sagar, Nalgonda district.
5 The Revenue Divisional Officer,
Miryalguda, Nalgonda district.

6 Two CCs. to the G.P. for Land Acquisition, High Court of A.P.,

Hyderabad (OUT).

7. Two CD copies.